

**Categorical Exclusion Documentation Format for Actions Other Than Hazardous
Fuels and Fire Rehabilitation Actions**

*Placement of Temporary Corrals and water trough near Whittmann, AZ for Nuisance
Wild Burro Relocation 2013
DOI-BLM-AZ-P010-2014-0004-CX*

A. Background

BLM Office: **Hassayampa Field Office (HFO)**

Lease/Serial/Case File No.: N/A

Proposed Action Title/Type: Trapping of Wild Burros on Private Lands

Location of Proposed Action: *Trap Site: Lat:33°45'55.94"N Long:112°24'54.64"W
T05N 02W Section 24 (private property see attached map)*

Description of Proposed Action: **Erect a temporary corral with a temporary water source to remove nuisance wild burros that regularly access private property off of 163 rd Ave and Wild Cat Road. These burros are outside of the Lake Pleasant HMA on private lands. The request is from a number of home owners in the area to reduce and or eliminate wild burros foraging on decorative, privately owned, vegetation.**

B. Land Use Plan Conformance

Land Use Plan (LUP) Name: Bradshaw-Harquahala Resource Management Plan

Date Approved/Amended: **4/22/2010**

☒ The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s):

Wild Burro Management, Page 56

Management Action HB-4:

“Burros will be removed . . . if burros are determined to be nuisance animals as defined by the Wild Free Roaming Horse and Burro Act of 1971.”

☐ The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decision(s) (objectives, terms, and conditions):

C: Compliance with NEPA:

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with H-1790-1, Appendix 4 D. 2 and 4 page 150.

D2. Placement and use of temporary (not to exceed one month) portable corrals and water troughs, providing no new road construction is needed. D4. Removal of wild horses or burros from private lands at the request of the landowner.

State lands are the same as private lands as we are only authorized under the Act to manage for wild burros on lands under the jurisdiction of the BLM.

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 516 DM 2 or 516 DM 11.5 apply.

I considered: I considered the potential impacts to cultural resources, recreational opportunities, travel management, and wildlife habitat prior to authorizing the Proposed Action, and I have determined that no significant impacts to these public land resources would occur.

D: Signatures

Review: *We have determined that the proposal is in accordance with the categorical exclusion criteria and that it would not involve any significant environmental effects (see Attachment 1). Therefore, it is categorically excluded from further environmental review.*

Prepared by: _____/S/_____

**Steve Bird
Project Lead**

Reviewed by: _____/S/_____

**Leah Baker
Planning & Environmental Coordinator**

Approved by: _____/S/_____

**Rem Hawes
Hassayampa Field Office Manager**

Contact Person

For additional information concerning this CX review, contact:
Steve Bird, Wild Horse and Burro Specialist, Hassayampa Field Office- 623-580-5655

Note: A separate decision document must be prepared for the action covered by the CX. BLM Categorical Exclusions: Extraordinary Circumstances¹

¹ If an action has any of these impacts, you must conduct NEPA analysis.

Attachment 1

<p>The action has been reviewed to determine if any of the extraordinary circumstances (43 CFR 46.215) apply. The project would:</p>		
<p>1. Have significant impacts on public health or safety</p>		
<p>Yes</p> <p><input type="checkbox"/></p>	<p>No</p> <p><input checked="" type="checkbox"/></p>	<p>Rationale: <i>The proposed action is designed to reduce impacts to private property and relocate burros to the Lake Pleasant Herd Management Area, which is actively managed for Wild Burros. Also, regarding public health and safety by addressing wild burros that are currently moving across SR74 and Highway 303 as well as neighborhood roads. The presence of these burros on or near the roadway creates a potential risk of vehicle strikes or other traffic accidents. The corral trap will be placed on private property at the request of the private land owner in an area that is not well-travelled and, aside from those participating in the trapping effort, should receive negligible human interface.</i></p>
<p>2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness or wilderness study areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds (Executive Order 13186); and other ecologically significant or critical areas?</p>		
<p>Yes</p> <p><input type="checkbox"/></p>	<p>No</p> <p><input checked="" type="checkbox"/></p>	<p>Rationale: <i>It is estimated that there are currently about 5-15 burros located on private lands and are removing the land owners vegetation and creating a nuisance for the private land owner and surrounding land owners. Trap placement would not impact cultural, wildlife, wilderness, wetlands, or any other resources that BLM oversees.</i></p>
<p>3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)]?</p>		
<p>Yes</p> <p><input type="checkbox"/></p>	<p>No</p> <p><input checked="" type="checkbox"/></p>	<p>Rationale: <i>The proposed action of placing a temporary corral to trap wild burros on private lands does not involve any unresolved environmental issue.</i></p>
<p>4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?</p>		
<p>Yes</p> <p><input type="checkbox"/></p>	<p>No</p> <p><input checked="" type="checkbox"/></p>	<p>Rationale: <i>Proposed portable corrals and a water trough do not involve any unknown environmental risks. Corrals are made of portable ready-made steel panels that do not require any permanent digging or foundations. The water trough is removable. Gates are left open except when active trapping is occurring in order to prevent trapping of wildlife or owned livestock.</i></p>
<p>5. Establish a precedent for future action, or represent a decision in principle about future actions, with potentially significant environmental effects?</p>		
<p>Yes</p>	<p>No</p>	<p>Rationale: <i>Placement of temporary corrals and a water trough for the</i></p>

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<i>removal of nuisance wild burros is a well-established action that does not cause any significant environmental effects.</i>
6. a direct relationship to other actions with individually insignificant, but cumulatively significant, environmental effects?		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Rationale: <i>The proposed action would not cause any cumulative environmental effects.</i>
7. Have significant impacts on properties listed or eligible for listing, on the National Register of Historic Places as determined by either the Bureau or office?		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Rationale: <i>Cultural surveys have not been conducted at the trap site as it is on private lands and is at the request on the land owner.</i>
8. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species?		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Rationale: <i>None present.</i>
9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment?		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Rationale: <i>Not applicable.</i>
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898)?		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Rationale: <i>No impacts.</i>
11. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners, or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007)?		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Rationale: <i>Not applicable.</i>
12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area, or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112)?		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Rationale: <i>Not present</i>

Decision
Attachment 2

Project Description:

Bait trap 5-15 nuisance wild burros that regularly access private property off of 163 rd Ave and Wild Cat Road. These burros are outside of the Lake Pleasant HMA on private lands. The request is from home owners in the area to reduce and or eliminate wild burros foraging on decorative, privately owned, vegetation.

Decision: Based on a review of the project described above and field office staff recommendations, I have determined that the project is in conformance with the land use plan and is categorically excluded from further environmental analysis. It is my decision to approve the action as proposed.

Appeal Opportunities:

The decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR Part 4. Public notification of this decision will be considered to have occurred on March 7, 2013. Within 30 days of this decision, a notice of appeal must be filed in the office of the Authorized Officer at 21605 North 7th Avenue, Phoenix Arizona, 85027. If a statement of reasons for the appeal is not included with the notice, it must be filed with the Interior Board of Land Appeals, Office of Hearings and Appeals, U.S. Department of the Interior, 801 North Quincy St., Suite 300, Arlington, VA 22203 within 30 days after the notice of appeal is filed with the Authorized Officer.

If you wish to file a petition for stay pursuant to 43 CFR Part 4.21(b), the petition for stay should accompany your notice of appeal and shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellant's success on the merits,
3. The likelihood of irreparable harm to the appellant or resources if the stay is not granted,
4. Whether the public interest favors granting the stay.

If a petition for stay is submitted with the notice of appeal, a copy of the notice of appeal and petition for stay must be served on each party named in the decision from which the appeal is taken, and with the IBLA at the same time it is filed with the Authorized Officer. A copy of the notice of appeal, any statement of reasons and all pertinent documents must be served on each adverse party named in the decision from which the appeal is taken to: Field Solicitor, U.S. Department of the Interior, 401 West Washington Street, Suite 404, Phoenix Arizona 85003, not later than 15 days after filing the document with the Authorized Officer and/or IBLA.

Approved By: _Amanda James for R.H._____ **Date:** _11/07/13__

Rem Hawes

Hassayampa Field Office Manager

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